* * * * * * * * * * * * * * * * * * * *	Case 5:08-cv-03326-RMW Document 1	Filed 07/09/2008	Page 1 of 45
			55 <sup>5</sup>
1	COMPLAINT BY A PRISONER UNDER TI	HE CIVIL RIGHTS AC	D 45
2	Name PINEDA GERARDO		JUL - 9 2008
3	(Last) (First)	(Initial)	RICHARD W. WIEKI NOH THERN DISTRICT COL
4	Prisoner Number <u>K-07529</u>		NOHIHERN DISTRICT OF CALIFO
5	Institutional Address <u>CSP SAN QUENTIN</u> , 31		
6			
7	UNITED STATES I NORTHERN DISTRIC	ISTRICT COURT	Janes Da
8	SERARDO V. PINEDA		TO STATE OF THE ST
9	(Enter the full name of plaintiff in this action.)	<b>₹€V 08</b>	334
10	vs.	Case No.	by the Clerk of Court)
11	LT. G.W. FULLER	<b>)</b>	T UNDER THE
12	SGT. D. Mc GRAW	CIVIL RIGH	ITS ACT,
13		)	3 9 1703
14 15	(Enter the full name of the defendant(s) in this action)	}	
16	[All questions on this complaint form must be a	 nswered in order for you	r action to proceed]
17	I. Exhaustion of Administrative Remedies.		•
18	[Note: You must exhaust your administra	ntive remedies before you	r claim can go
19	forward. The court will dismiss any unex		e'
20	A. Place of present confinement SA		·
21	B. Is there a grievance procedure in the		
22	YES (**) NO()		
23	C. Did you present the facts in your c	omplaint for review thro	ugh the grievance
24	procedure?	-	
25	YES (V) NO()		
26	D. If your answer is YES, list the app	eal number and the date	and result of the
	appeal at each level of review. If		
27	III	•	

1	COMPLA	AINT BY A PR	JSONER UND	ER THE CIV	IL RIGHTS ACT, 42 U.S.C §§ 1983
2	Name P	INEDA	GERAI	<i></i> ୧ <i>୬୦</i>	V,
3	(Last	)	(First)		(Initial)
4	Prisoner Nu	mber <u>K-C</u>	7529		
5	i			W 2423-1	SAN QUENTIN, CA-94974
6			<u> </u>	, 0// 03 E	, SAN COCK TO , CT / T / T
7		214	UNITED STA		
8	4 - 0		ORTHERN DIS	STRICT OF C	CALIFORNIA
9	(Enter the full	ARDO V. name of plaintiff in	n this action.)	- }	
10		vs.		}	Case No.
11	LT. G	.w. FUL	LER	_ }	(To be provided by the Clerk of Court)
12	SGT.	D. Mc G	RAW	_ }	COMPLAINT UNDER THE CIVIL RIGHTS ACT,
13		· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	}	Title 42 U.S.C § 1983
14				_ }	
15	(Enter the full	name of the defend	lant(s) in this action	<u> </u>	
16	[All question	ns on this comp	laint form mus	t be answered	in order for your action to proceed]
17	l. Exba	austion of Admi	nistrative Reme	dies.	
18	[Not	e: You must ex	haust your adm	inistrative remo	edies before your claim can go
19	forw	ard. The court	will dismiss any	unexhausted c	laims.]
20	A.	Place of pres	ent confinemen	SAN QU	UENTIN
21	В.	ls there a grid	evance procedui	e in this institu	tion?
22		YES	MO (	)	
23	C.	Did you pres	ent the facts in y	your complaint	for review through the grievance
24		procedure?			
25		YES	(V) NO (	)	•
26	D.	lf your answ	er is YES, list th	he appeal numb	per and the date and result of the
27		appeal at eac	h level of reviev	v. If you did no	ot pursue a certain level of appeal,
28	·	explain why.			
	COMPLAIN	rr		- 1 -	

1		1. Informal appeal BY PASS
2		
3		
4		2. First formal level BY PASS, PARTIALLY GRANTED
5		
6		DADTININ GRANTED
7		3. Second formal level PARTIALLY GRANTED
8		
9		4. Third formal level DIRECTORS LEVEL, IN SACRAMENTO ON
0		FEB. 27, 2008. SACRAMENTO HASN'T RESPONDED.
2		
3	E.	Is the last level to which you appealed the highest level of appeal available to
4		you?
5		YES (V) NO ( )
6	F.	If you did not present your claim for review through the grievance procedure,
7	explain why.	N/A
18		
9		
20	II. Partie	es.
21	A.	Write your name and your present address. Do the same for additional plaintiffs,
22		if any.
23	<u>GER</u>	ARDO PINEDA, K-07529, CSP SAN QUENTIN, 3 H33-L DUENTIN, CA-94974
24	SANG	DUENTIN, CA-94974
25		
26	В.	Write the full name of each defendant, his or her official position, and his or her
27		place of employment.
28		
	COMPLAIN	т
		<del>-</del>

1	LT. G.W. FULLER
-	SGT. D. McGRAW
2	JUL C VI
3	
5	III. Statement of Claim.
	State here as briefly as possible the facts of your case. Be sure to describe how each
6	defendant is involved and to include dates, when possible. Do not give any legal arguments or
7	cite any cases or statutes. If you have more than one claim, each claim should be set forth in a
9	cenarate numbered paragraph.
10	WIN TO 2007: IT. FULLER PULLED ME OUT OF MY CELLIN DONNER SEC.
11	(00 CTG) IN O LOUD SCOFAMING VOICE, HE THREATEND) ME, CALLED ME A 1841,
12	WILL A MOLLETED IN FRONT OF INMATES, THAT HE WILLBEAT ME IF I DON'T MOVE TO IF WILL
13	WILY 20 20007, OTHER PRISONERS, CALLING ME A CHILD MOLESTER, A KAT AND
14	IL SEADKITY (DAVECIOUS E <u>MESSEES TRUES AND ADAZAM SIE (DUT )</u> 75 - L
15	R. A. (4) A. O. O.O   (1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/1/
16	WE BY AMBUCANCE TO THE PHARM CELL THE
17	FROM JULY 18 TO Z3, I WAS VERBALLY AND PHYSICALLY THREATENED AND
18	FORCED TO GO TO H-UNIT.
19	
20	(PLEASE SEE ATTACHED) EXTRA SHEETS OF EVENTS.)
21	
22	
23	IV. Relief.
24	Your complaint cannot go forward unless you request specific relief. State briefly exactly
25	what you want the court to do for you. Make no legal arguments; cite no cases or statutes.
20	THAT LT. G.W. FULLER AND SGT. D. McGRAW BE CHARGED WITH USE OF
2	UNECESSARY AND EXCESSIVE FORCE, ATTEMPTED MURDER FOR ENDUSING A
2	8 HEART ATTACK. CHARGE WITH RACIAL DESCRIMINATION, SLANDER,
	COMPLAINT -3-

AFTER USING EXCESSIVE AND UNECESSARY FORCE, LT. FULLER
FILLED A FALSE REPORT AND CHARGE ME WITH OBSTRUCTING
A P/O AND WAS GIVEN NINETY (90) DAYS, BUT DID NOT
INCLUDE IN HIS REPORT THAT BECAUSE OF HIS ACTIONS, I
SUFFERED A HEART ATTACK, LOST CONSCIOUSNESS AND
WAS RUSHED TO THE HOSPITAL BY AMBULANCE.

SOMETIME IN SEPTEMBER, FOR REPUSING TO GO TO HOUNT, CT. FULLER CROCKED TO TRANSFER ME TO THE SAN QUENTIN ADJUSTMENT CENTER. PROPER PROTOCOL AND PROCEDURE STATES THAT YOU HAVE TO ATTACK AND ASSAULT INMATES OR OFFICERS TO BE PLACED IN ADJUSTMENT CENTER, AND NOT FOR REFUSING TO TRANSFER TO ANOTHER AREA IN THE SAME PRISON. NO OTHER INMATES WERE EVER PLACED IN THE ADJUSTMENT CENTER FOR REFUSING TO GO TO H-UNIT. AND BECAUSE OF THE INHUMANE LIVING CONDITION IN THE ADJUSTMENT CENTER, WHERE THE ARE DRIED HUMAN FAECES ON THE WALL, ON THE BED ROCK. DRIED URINE AND SPIT ALL OVER THE PLACE. THE CONSTANT SCREAMING AND BANGING ON THE WALL BY INSANE INMATES. WITH NOTHING TO READ. NO BOOKS, EXCEPT STARE AT THE WALL ALL DAY AND NIGHT, I HAD TO GIVE UP AND TAKE CHANCES WITH MY SAFETY AND SECURITY AND WENT TO HOUNT. I CAN NOT BELIEVE THAT THIS KIND OF TREATMENT AND LIVING CONDITION IS HAPPENING IN THIS COUNTRY,

AFTER THE PHYSICAL ALTERCATION WITH LT. FULLER AND SGT. MCGRAW, I'VE BEEN EXPERIENCING PAIN ON THE PART OF MY NECK WHERE THEY IMPLANTED A METAL BOX AFTER MY SERVICAL SPINE SURGERY ON MARCH 21,2007.

PLEASE NOTE THAT THE ORIGINAL 602 THAT I FILED REGARDING
THIS INCIDENT IS STILL IN SACRAMENTO. THAT THE INCIDENT
OCCURED ALMOST A YEAR AGO TODAY, 602'S DON'T TAKE
MORE THAN A YEAR TO PROCESS. SOMEHOW THIS COMPLAINT
IS BEING DRAGGED TO EXHAUST MY STATUET OF LIMITATION
TO FILE A COMPLAINT.

PER BOYD VS COCR, I HAVE EXHAUSTED MY ADMINISTRATIVE

SEE ATTACHED EXHIBITS: EXHIBIT A 602 COMPLAINT

NOIDENT REPORT

NOIDENT REPORT

AND OTHER DOCUMENTS PERTAINING TO THE COMPCAINT

PROCESS

,					
	} + .	Case 5:08-cv-03326-RMV	V Document 1	Filed 07/09/2008	Page 9 of 45
•		· · ·			
	1	HARASMENT. THAT ALL WR	TE-UP AND PEN	ALTIES FROM THIS I	NCIDENT BE
	t I	RENDERED MOOT AND TAKEN O	UT OF MY FICES	. THAT THE NEFEND	ANTS PAY ALL
	3	COURT EXPENSES. THE DEFENDAN		ME FOR ALL PHYSICAL	AND OTHER
	4	DAMAGES THAT MAY ARRISE FR	OM THIS INCIDE	THEY SHOULD B FNT. HUMAN RIGHTS	VIOLATIONS .
	5	I declare under penalty of p	erjury that the forego	ing is true and correct.	
	6				
	7	Signed this 3 rd d	ay of JULY	,20 <u>08</u>	
	8			<i>(</i> ) :	
	9			Pen sk. K-0752	19
	10		(Pla	intiff's signature)	
	11				
	12				
	13			,	
	14				
	15	,			
	16				
	17				
	18			•	
	19				
	20				
	21				
	22				
	23 <sup>24</sup>				
	25				
	26				
	27				
	28				
		COMPLAINT	- 4 -		

1		
2		
3		
4		
5		
6		
7		
8		S DISTRICT COURT
9	NORTHERN DISTI	RICT OF CALIFORNIA
10		}
11	GERARDO PINEDA Plaintiff,	CASE NO
12	vs.	PRISONER'S
13	LT. G.W. FULLER	APPLICATION TO PROCEED  IN FORMA PAUPERIS
14	SGT, D. McGRAW Defendant.	}
15		
16	1, <u>GERARNO PINEDA</u> , dec	lare, under penalty of perjury that I am the
17	plaintiff in the above entitled case and that the	ne information I offer throughout this application
18	is true and correct. I offer this application in	support of my request to proceed without being
19	required to prepay the full amount of fees, co	osts or give security. I state that because of my
20	poverty I am unable to pay the costs of this a	ction or give security, and that I believe that I am
21	entitled to relief.	
22	In support of this application, I provi	de the following information:
23	<ol> <li>Are you presently employed? Yes</li> </ol>	
24	If your answer is "yes," state both your gross	and net salary or wages per month, and give the
25	name and address of your employer:	
26	Gross: N/A	Net:
27	Employer:	
28		

Gross \$ N/A Net \$\_\_\_\_\_

List amount you contribute to your spouse's support:\$ N/A

27

28

3	b. List the	persons other than your s			
2	support	and indicate how much y	ou contribute to	ward their support. (NO	TE:
3	For mir	nor children, list only their	initials and age	s. DO NOT INCLUDE	
4	THEIR	NAMES.).			
5	N/A		·		
6		· .		<del></del>	_
7	5. Do you own or	are you buying a home?	Yes	No <u>~</u>	
8	Estimated Market Valu	me: \$ Amo	ount of Mortgage	e: \$	
9	6. Do you own an	automobile?	Yes	No	
10	Make W/A	Year	Model		
11	Is it financed? Yes	No If so, Tota	al due: \$		
12	Monthly Payment: \$ _				
13	7. Do you have a	bank account? Yes	No <u>~ (</u> Do <u>п</u>	ot include account numb	етѕ.)
		\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \			
14	Name(s) and address(e	es) of bank: 14/12			-
14 15		es) of dank:			-
		,			-
15	Present balance(s): \$_	, 			_
15 16	Present balance(s): \$_ Do you own any cash?		ount: \$		<b>-</b>
15 16 17	Present balance(s): \$_ Do you own any cash?	Yes No <u>~</u> Am assets? (If "yes," provide	ount: \$		<b>-</b>
15 16 17 18	Present balance(s): \$_ Do you own any cash? Do you have any other market value.) Yes_	Yes No <u>~</u> Am assets? (If "yes," provide	ount: \$		- -
15 16 17 18 19	Present balance(s): \$_ Do you own any cash? Do you have any other market value.) Yes_	Yes No Am assets? (If "yes," provide No	ount: \$		- -
15 16 17 18 19 20	Present balance(s): \$ _ Do you own any cash? Do you have any other market value.) Yes _  8. What are your in	Yes No Am assets? (If "yes," provide No	ount: \$of	each asset and its estima	- nted
15 16 17 18 19 20 21	Present balance(s): \$_Do you own any cash? Do you have any other market value.) Yes	Yes No Am assets? (If "yes," provide No monthly expenses?	ount: \$	each asset and its estima	- nted -
15 16 17 18 19 20 21 22	Present balance(s): \$_Do you own any cash? Do you have any other market value.) Yes	Yes No Am assets? (If "yes," provide No monthly expenses? Utili	ount: \$	each asset and its estima	- - nted
15 16 17 18 19 20 21 22 23	Present balance(s): \$_Do you own any cash? Do you have any other market value.) Yes_  8. What are your related to the proof of the proof of the proof of the present of the	Yes No Am assets? (If "yes," provide No monthly expenses? Utili Clos	ount: \$ a description of	Feach asset and its estimated Total Owed on This A	- tited -
15 16 17 18 19 20 21 22 23 24	Present balance(s): \$_ Do you own any cash? Do you have any other market value.) Yes  8. What are your re Rent: \$	Yes No Am assets? (If "yes," provide No monthly expenses? Utili Clos	ount: \$ a description of	each asset and its estima	- nted
15 16 17 18 19 20 21 22 23 24 25	Present balance(s): \$_ Do you own any cash? Do you have any other market value.) Yes  8. What are your in Rent: \$	Yes No Am assets? (If "yes," provide No monthly expenses? Utili Clos	ount: \$  a description of ties:	Total Owed on This A	- nted

	B	
1	9. Do you have any other	debts? (List current obligations, indicating amounts and to
2	- 11	
3	N/A	
4		
5	10. Does the complaint whi	ch you are seeking to file raise claims that have been presented
6	in other lawsuits? Yes N	
7	Please list the case name(s) and	number(s) of the prior lawsuit(s), and the name of the court in
8	which they were filed.	, and the court is
9	N/A	
10		
11	I consent to prison offici	ials withdrawing from my trust account and paying to the court
12	4	all installment payments required by the court.
13	<b>i</b>	ty of perjury that the foregoing is true and correct and
14	.]	t herein may result in the dismissal of my claims.
15		
16	July 3, 2008	do Dunka
17	DATE	SIGNATURE OF APPLICANT
18		
19		
20		
21		
22		
23		
24		
25		
26	`	
27		
28		

Page 14 of 45

INMATE/PAROLEE APPEAL FORM CDC 802 (12/87)	Location: Institution/F  1  2	<b>2</b> Q	Log No. 1. <u>07-03-38</u> 2.	Category 7
You may appeal any policy, action or decision committee actions, and classification and staff member, who will sign your form and state vidocuments and not more than one additional procedure responsibly.	representative decisions, vhat action was taken. If	you must first inform you are not then s	nally seek relief through dis stisfied, you may send you	cussion with the appropriate staff or appeal with all the supporting
GERARDO PINEDA	NUMBER K-07529	ASSIGNMENT DONNETTL - A	0-564.	2-4-(elesta - 15-
A. Describe Problem: ON JULY 18,2007.  MY REASONS. AT 1280 hrs. SGT. DEW.  AD-SEG. 7/18/07, 1900 hrs. I SHU  THE SHIME DEASON (SAFETY AND SECURI	US GAVE METHE SAME (A) OAPT MAHAYLA	- ORDER-AGAIN AGAIN HE ORDERE	) I REFUSE AND WA. O ME TO GO TO H-UN	ESCORTED TO DONNER
HE SCREAMEN AT ME AND IN A THREE HE STARTED CALLING ME CHILD ME HE'S ABOUT TO REAT-ME UP. SO TO PUCKED ON THE ANGLE, I COULD O  If you need more space, attach one additional	TENING MANNER, NOLESTER, COWAR EXPLAINED TO HIM GET PARALIZED OR	HE SAID HELL H O THAT I BEL THAT I JUST H	OVE ME TO H-UNIT. ONG IN PC. HE GAV ONG A SERVICAL SPINE	AGAIN, I REPUSED NOW E ME THE IMPRESION THAT SUNCKRY, THAT IF I GET
B. Action Requested: THAT THIS INCL.  BOUISED TO STOR THREATE MAY  THIS HARASSMENT AND PUSH  SFILED BY FULLER MUST BE I  Inmate/Parolee Signature:  Lo	ING AND SHOUND ROPPED , THAT MIS	HE SHOULD BE	PENNALIZED FO AUTHORITY AWA MU RESPONSIBLE FOR 1 THIS IN CIDENT.	RHIS ACTIONS. ALL
C. INFORMAL LEVEL (Date Received:	Ву	pas	SS	
Staff Signature:			Date Returned	I to Inmate:
D. FORMAL LEVEL If you are dissatisfied, explain below, attach submit to the Institution/Parole Region Appe	apporting documents (Cor als Coordinator for proces	npleted CDC 115, In ssing within 15 day	vestigator's Report, Classifs of receipt of response.	ication chrono, CDC 128, etc.) and
Signature: Note: Property/Funds appeals must be accom			Date	Submitted:CDC Appeal Number:
Board of Control form BC-1E, Inmate Claim	ibalised by a combinered			

# (CONTINUATION OF (H) DIRECTOR'S LEVEL REVIEW)

3 # 33 - 4	- -
K-07529	-
Jacko Panda	-
DATED: MARCH 14, 2008	- -
REFUSING TO GO TO H-UNIT.	-
CT. ARNOLD. I WAS ALSO THE ONLY INMATE SENT TO THE ASJUSTMENT CENTER FOR	-
90 HARE DAYS ON THE SCENARIO CREATED BY FULLER, AND JUSTIFIED BY HIS FRIEND	-
FOR THE WRITE-UP OR TRANSFER OR FACE UCC, ICC, GTC, NOW I WAS GIVEN	_
ALL THEIR ACTIONS WERE UNECESSARY, I WAS ALREADY IN THE HOLE WAITING	-
JULY 18, 19 AND 20. THIS KIND OF PROCEDURE WAS NEVER DONE TO OTHER INDIGIES.	-
OTHER OFFICERS PULLED ME OUT OF MY CELL TWO TIMES A DAY TO HARRAS ME- FROM	
MY LIFE, RECORDS SATTACHED WILL ALSO SHOW HOW LT-FULLER, CAHAYLA, AND	_
CHILD MOLESTER A RAT, A COWARD IN FRONT OF OTHER INMATES - THIS IS ENDANGERING	7
REWRT, CREATING PHYSICAL SITUATION WITH INMATES, ACCUSING HE OF BEING A	_
MURDER . THIS MATTER SHOULD BE AND MUST BE DEALT WITH IN COURT. FILING FALSE	_
TO H-UNIT. HE PUSHED AND SHOVED ME TO INDUCE A HEART ATTACK, THIS IS ATTEMPTED	_
AGAIN. AND HE DID NOT DO ALL THIS ACTION TO ALL THE INMATE WHO REFUED TO GO	<u>+</u>
WHOLE SCENARIO, THEN CHARGE ME OF OBSTRUCTION. PLEASE READ HIS REPORT	_
O PUSH HE OUT THE DOOR - HE KNEW I WILL NOT GO OUT OF THE DOOR - HE SET UP THIS	<u>2</u>
FROM JULY 18 TO 20 THAT I WILL NOT GO TO H-UNIT-BUT IN HIS REPORT, HE STILL INSIST	<u>Z1</u> )
RECORDS WILL SHOW ON FULLERS REPORT ON OBSTRUCTING A P/O - HE ALREADY KNEW	_
ON MY BEHALF WHEN THIS WHALE INCIDENT GOES TO COURT.	_
FILIPINO INMATES GET A POTALLY DIFFERENT TREATMENT? INMATE JOHNSON WILL TESTIFY	_
AD-SEG FROM JULY 18 to 20 AND WAS NOT PUSHED AND SHOVED AND VERBOLLY ABUSED. ONLY	_
SENT BACK TO NORTH BLOCK MAINLINE ON JULY 20 WITH OUT INCIDENT. HE WAS ONLY IN	_
ONEBLACK INMATE, INMATE JOHNSON, WHO ALSO REFUSED TO GO TO H-UNIT ON JULY 18, WAS	Ł
OBSTRUCTING A PLO AND WAS NOT VERBALLY AND PHYSICALLY ABUSED. THIS IS RACIAL DISCRIMINA	4740m
ALL THE INMATES WHO REFUSED TO GO TO H-UNIT SID NOT BATTER GET CHARGE WITH	_
INMATE WHO WAS TREATED IN THIS MANNER AND CHORGED WITH OBSTRUCTING A P/O.	_
AND FILLED A FALSE REPORT TO MAKE HIS SELF LOOK GOOD ON THE JOB. I AM THE ONLY	<i>,</i> _
WAS RUSHED TO THE HOSPITAL BECQUSE OF HIS ACTION? LT. FULLER CREATED A SITUATION	_
WHY DIDN'THE PUT IN HIS PEPORT THAT I SUFFERED CHEST PAIN AND LOST CONSCIOUSNES AND	
I I JUST HAD A CERVICAL SPINE OPERATION). IF LT. FULLER TOLD THE TRUTH IN HIS REPOR	T.
AND SECURITY CONCERN, AND MY PHYSICAL CONSITION WAS POOK AT THAT MOHEN!	<u>-</u> -
THAT I REFUSE TO ME TRANSFER TO H-UNIT, PROPERTY BECAUSE OF SAFETY	_
WALK TO H-UNIT THIS IS AFTER IN I TOLD THEM ON JULY 18, 19 AND 20	-
PUSHED AND SHOVED ME OUT THE DOOR AND, PHYSICALLY FORCING ME TO	ク
VERBALLY ABUSED AND THREATENED IN PRONT OF OTHER PRISONERS, AND THEN	
ALREADY IN THE HOLE. I WAS PULLED OUT OF MY CELL BY LT. FULLER, IHE	W
FULLER'S ACTION WOULD HAVE BEEN JUSTIFIED, BUT IN MY SITUATION, I WAS	5,
THE DOOR , TAKING HOSTAGES OR CREATING AND DISRUPTING PROGRAMS	_
CAN CREATE A VERY DANGEROUS STILLATION. IF I WAS BLOCKIN	9
VIOLATION OF COCKRULES, AND OREATING PHYSICAL SITUATION WITH INMATES	
#JUMINISTE THE INMATE TO OTHER PRUSONERS, AND FILING A FALSE REPORT IS IN	
PHYSICALLY PUSHING SHOVING, AND CALLING THE PERSON DEPUGATORY NAMES TO	
IN THE IP 215 AND D.D.M. PENALTY IS IMPOSED ON THE INMATE. BUT	
DRE DIACED IN AN-SEG GIVEN A 11S. TRANSFEREN TO ANOTHER PRISON OR AS STATED	,
SITUATION FURTHER MORE. WHEN INMATES REFUSE TO GO TO H-UNIT, THEY	<u>.</u>

State of California

ATTACHMENT E-3

# Memorandum

Date

February 27, 2008

То

PINEDA K07529 2-H-66 3-H-33

SAN QUENITN STATE PRISON

RevD-3/7/08

Subject:

STAFF COMPLAINT RESPONSE - APPEAL # CSQ-6-07-3385

APPEAL ISSUE: The appellant alleges that on July 19, 2007 Correctional Lieutenant G. Fuller ordered the appellant to move from Carson/Donner Section Administrative Segregation to H-Unit — General Population. The appellant alleges that when he refused the move, Correctional Lieutenant G. Fuller verbally abused him (yelling and screaming) and utilized excessive force, by pushing and shoving, in an attempt to make the appellant move to H-Unit. The appellant claims he suffered a heart attack as a result and was taken to Marin General Hospital for treatment.

**DETERMINATION OF ISSUE**: A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal has been handled as follows:

PROCESSED AS A STAFF COMPLAINT APPEAL INQUIRY REFERRED TO THE OFFICE OF INTERNAL AFFAIRS (OIA).

#### SUMMARY FOR APPEAL INQUIRY:

The appellant was interviewed on September 11, 2007 by Correctional Lieutenant M. Thompson. The appellant restated his allegations indicating on July 18, 19, 2007 Correctional Lieutenant G. Fuller, verbally abused him and on July 20, 2007, utilized excessive force against the appellant.

#### CHOOSE ONE:

A Confidential Inquiry was conducted. The following witness was questioned: Correctional Lieutenant G. Fuller; Correctional Sergeant D. McGraw and Correctional Officer K. Allen. The following information was reviewed as a result of your allegations of staff misconduct: CDCR 602 Log # CSQ-6-07-3385, continuation page to the CDCR 602; Marin General Hospital consultation report dated July 20, 2007; CDCR 114-D dated July 20, 2007; the completed CDCR 115 Rules Violation Report dated July 20, 2007 for the specific act of "Obstruction of a Peace Officer".

This matter has been referred to the Office of Internal Affairs for follow-up and a possible investigation. If investigated, upon completion of that investigation you will be notified as to whether the allegations were SUSTAINED, NOT SUSTAINED, UNFOUNDED, EXONERATED or that NO FINDING was possible. In the event that the matter is not investigated, but returned by OIA to the institution or region to conduct a Confidential Inquiry, you will be notified upon the completion of that inquiry as to whether it was determined that staff violated, or did not violate policy.

#### FINDINGS FOR AN APPEAL INQUIRY:

Your appeal is PARTIALLY GRANTED at the Tirst level Second level:
An inquiry into your allegation has been conducted.
An investigation is being conducted by the Office of Internal Affairs

ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE. As such, the details of any inquiry will not be shared with staff, members of the public, or inmates. Although you have the right to submit a staff complaint, a request for administrative action regarding staff or the placement of documentation in a staff

•	Case 5:08-cv-03326-RMW	Document 1	Filed 07/09/2008	Page 18 of 45
. •	member's personnel file is beyond the so notified if after a review of your allegation	cope of the staff c ns, it is determined	omplaint process. Howev I that staff violated CDCF	ver, you have the right to be R policy. In this case:
	☐ The inquiry is not yet complete			
	The inquiry is complete. Staff did no	t violate CDCR po	licy.	
	Allegations of staff misconduct do not I process. If you wish to appeal the decis appeal review up to, and including, the Director's Level of Review, your administ Please print and sign below:  R. L. Ayers - Warden/CDW/HCM Second	ion, you must sub Director's Level of trative remedies v	imit your staff complaint Review. Once a decisio	appeal through all levels of n has been rendered at the

CONTINUATION OF COMPLAINT:

DON'T KILL ME. LT. FULLER WAS SCREAMING ON TOP OF HIS LINGS THAT HELL KICK MY ASS IF I DONT MOVE TO HOUNT, AND HELL SHOW ME WHO'S RUNING THINGS AROUND HERE, AND CONTINUED TO CALL CHILD MOLESTER AND & CONTRAD. AT 1900 his. I WAS CHILED IN THE OFFICE. LT. FULLER WAS THERE, AND AGAIN, THE SCREMING AND THREATENING STARTED ALL OVER AGAIN. MY ONLY RESPONCE WAS, I REFUSE TO GO TO H-UNIT. HE WAS DOING HIS BEST TO PUSH ME TO SAY THE WORD OR DO SOMETHING STUPID HE COULD USE TO WRITE ME UP OR CHARGE ME WITH. LT. FULLER WAS COMPLETELY OUT OF CONTROL SCREAMING AND THREATENING ME. CALLING ME CHILD MOLESTER, A RAT, COWARD, THAT HE WILL KICK MY ASS IF HE HAS TO TO MOVE ME TO H-UNIT. JULY 20 AT 1100 Hrs. I WAS TOLD TO PACK MY PROPERTY, THAT IM MOVING TO HOUNT - AGAIN, I TOLD THE THAT I REFUSE TO GO TO HOUNT. THEY TOOK ME TO THE OFFICE AND LT. FULLER AND SGT. MCGRAW WAS THERE. NUW I HAVE A LT. AND SGT. DOING THE SAME TACTIC OF SCREAMING, TIREATENING AND CALLING ME NAMES I FULLER TO STOP MILING ME A CHILD MOLESTER BECAUSE OTHER INNATES CAN HEAR HIM AND THAT HE'S ENDAGERING MY LIFE WITH WHAT HE WAS DOING. I TOLD HIM TO WRITE ME UP OR DO THE PROPER PROCEDURE FOR REFUSING, TO GO TO HOUNT WAT. BUT ALL THIS PUSHING AND SHOUING, THREATENING, SCREAMING HAS GOT TO STOP. THAT HE'S ENDANGERING MY LIFE. A GO TOOK ME BICK TO THE HOLDING CELL. AT THIS TIME THE CHEST PAIN AND MY SHORTENING OF BREATH WAS NOW GETTING WORSE. THEN IT FULLER AND SGT. M. GRAW CAME TO THE HOLDING CELL (ALL THIS TIME I WAS ON HAND CAFF, I WAS ON HAND CHAF THROUGH OUT THIS WHOLE INCIDENT). LT. FULLER HAD THE CELL VOOR OPEN, I POLD LE FULLER THAT, IF THIS IS ABOUT GOING TO H-UNIT, IM NOT GOING TO H-UNIT. LT. FULLER SAID THAT HELL JUST TALK TO ME IN THE OFFICE. AS SOON AS I STEPPED OUT OF THE HOLDING CELL, HE GRABBED BY MY LEFT ARM AND SGT MCGRAW GRAB. ME BY THE RIGHT ARM AND THEY STARTED DRAGGING AND PULLING ME TOWARDS THE SALLYPORT, WHEN WE GOT PASS THE SALLYPORT CHATE, THEY WERE OF STILL PUSHING ME POWARDS THE MAIN DOOR. I TOLD FULLER THAT I'M NOT GOING TO HOUNT, STOP DUSHING ME. LT. FULLER SALD THAT HELL KICK MY ASS IF HE HAS TO TO TAKE ME TO HOUNT, NOW I HAVE TO DEFEND MY SELF FROM GETTING PUSHED OUT THE MAIN DONNER DOOR. STATRYING TO WALK BALKWARDS WHILE THEY WERE PUSHING ME OUT. BECAUSE OF ALL THE COMMOTION, YO ALLEN HAD TO GRAB MY READING GLASSES OUT OF MY NECK TO GET IT OUT OF THE WAY SO IT WON, BREAK. NOW IT. FULLER ANNOUNCED THAT I WAS RESISTING AND THAT I AM NOW BEING A THREAT. I POLD THEM TO GET YOUR HANDS OFF ME, I'M NOT GOING TO 4-UNIT. NOW IT FULLER STARTED SCREAMING THAT I'M AFRAID OF OTHER INMATES IN H-UNIT, THAT I SHOULD NAME MY ENEMIES, THAT IM THE BIGGEST COWARD HE'S EVER SEEN. ONE YO PUT ME BACK INTHE HOLDING CELL. WHILE IN THE HOLDING CELL I SAW THE OTHER INHATE WHO REFUSED TO GO TO H-UNIT ON THE 18TH. AND HE WAS CHANGING TO ORANGE UNIFORM BECAUSE THE'S GOING BACK TO NORTH BLOCK. AND THE AND THIS INMATE DID THE EXACT SAME THING, WE REFUSED TO GO TO H-UNIT. SOMEHOW THIS BLACK INMATE WHY NOT HARASSED, THREATENED, PUSHED AROUND, CALLED NAMES, AND THREE WAYS LATER HE'S GOING BACK TO NORTH BLOCK. THIS IS RACIAL DESCRIMINATION. I MANT BELEIVE WHAT THEYRE DOING. FILIPING INNATES GET A DIFFERENT TREATMENT. NOW THE PHIN ON MY CHEST GOT REALLY PAND I COULDN'T BLEATH AND I COST CONCYOUS NESS - EVERYTHING TURNED DARK, AND ALL I CAN REMEMBER WAS I CAN HEAR THE ALARM AND I CAN HEAR VOICES SAYING, GET UP ! GET UP ! AND I FELT SOMETHING MITTANG ME HARD ON MY RIBS. WHEN I LOOKED, IT WAS ANOTHER OFFICER HITTING WITH HIS KNEED ON MY RIBS TELLING ME TO GET UP. I TOLD HIM TO GET THE MITA

Filed 07/09/2008

Page 20 of 45

STATE OF CALIFORNIA RIGHTS AND RESPONSIBILITY STATEMENT CDCR 1858 (Rev. 10/06)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

# RIGHTS AND RESPONSIBILITY STATEMENT

The California Department of Corrections and Rehabilitation has added departmental language (shown inside brackets, in non-boldface type) for clarification purposes.

Pursuant to Penal Code 148.6, anyone wishing to file an allegation of misconduct by a departmental peace officer must read, sign and submit the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER [this includes a departmental peace officer] FOR ANY IMPROPER POLICE [or peace] OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' [or inmates'/parolees'] COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN [or inmate/parolee] COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

COMPLAINANT'S PRINTED NAME HER ARDO PINED A	COMPLAINANT'S SIGNATURE	DATE SIGNED G/11/07
HERARDO HNEDA INMATERPARDO PINEDA	INMATE PAROLEE'S SIGNATURE	CDC NUMBER DATE SIGNED K-07529 9/11/07
W. D. IHOMPSOU	RECEIVING STAFFIS SIGNATURE	9/11/07

DISTRIBUTION:

ORIGINAL -

Public - Institution Head/Parole Administrator Inmate/Parolee - Attach to CDC form 602 Employee - Institution Head/Parole Administrator

COPY - Complainant

# DRAFT CORRECTIONAL EMPLOYEE'S WORK SHEET FOR CDC-115 RULES VIOLATION REPORT

INMATE CDC #	NAME OF IN	MATE	HOUSING	<u> </u>	DATE OF CDC-115
K-07529 ETHNICITY	WORK ASSIGNMENT POSITION #		RELEASE DATE		CDC-115 LOG #
VIOLATION RULE NEMBER 3005A OBSTRUCTION O	AND TITLE F A PEACE OF	FICER	INCIDENT ADMIN./S		CLASSIFICATION DIVISION A-1, A-2, B, C, D, E, F
REPORTING EMPLOYEE G. FULLER	POSITION 063	POST CARSON LT	WATCH	RDO'S	PHONE EXTENSION
REVIEWING SUPERVISOR			REVIEWI	NG SERGE	EANT

SPECIFIC ACT: OBSTRUCTION OF A PEACE OFFICER

On Friday, July 20, 2007, at approximately 1130 hours I informed Inmate Pineda, K-07529 that I would be escorting him to H-Unit, a General Population Level II dorm housing unit, from a holding cell in Donner Section. Pineda stated that he could not go to H-Unit because he was afraid of the other inmates in H-Unit. I then told Pineda that he had been released to H-Unit and I was I was issuing a lawful order for him to accompany me. Pineda again replied he was not going to H-Unit. At that time I opened the door to the holding cell and took hold of the right sleeve of Pineda's jumpsuit. I then issued orders to Pineda to "come on." Pineda walked out of the holding cell and walked under my escort towards the Donner Section door. Approximately 10 feet from the door Pineda abruptly stopped and stated "you'll have to kick my ass to get me through that door." I stopped and issued an order to Pineda to keep moving. Pineda repeated "you'll have to kick my ass to get me through that door." At that time I ordered Sgt. D. McGraw to place Pineda back in handcuffs. I informed Pineda that his actions constituted obstruction of a peace officer and that he would be retained in Ad-Seg based on his claim of local enemies and request for protective custody status in Administrative Segregation.

Pineda's assignment to H-Unit was appropriate and conducted within Department classification guidelines. Pineda's refusal to comply with orders to continue the escort to H-Unit, obstructed my ability to complete a basic Correctional Peace Officer duty. Also, Pineda's statement that I would have to "kick (his) my ass to get him through the (Donner Section) door" presented a direct physical challenge to me and my authority as a peace officer during the escort. A physical challenge of this nature presents a clear avenue to the use of force and in the case of a less experienced or more aggressive staff member could easily have led to violence.

Attachment E 2/21/06

"State of California

# Memorandum

September 13, 2007 Date:

Tο Inmate Pineda, K-07529

STAFF COMPLAINT RESPONSE - APPEAL # 07-03385 Subject:

**APPEAL ISSUE:** Complaint Against Staff

**DETERMINATION OF ISSUE**: A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal has been handled as follows:

PROCESSED AS A STAFF COMPLAINT APPEAL INQUIRY REFERRED TO THE OFFICE OF INTERNAL AFFAIRS (Note: You will be notified of the conclusion of any internal affairs investigation)

## **SUMMARY FOR APPEAL INQUIRY:**

You were interviewed on September 11, 2007 by Correctional Lieutenant M. D. Thompson and stated that on July 18, 19, 2007, Lieutenant G. W. Fuller verbally abused you, and on July 20, 2007, utilized excessive force on you The following witness(es) were questioned: Lieutenant G. W. Fuller, Correctional Sergeant D. McGraw, and Correctional Officer K. Allen. The following information was reviewed as a result of your allegations of staff misconduct: Inmate Appeal Route Slip, Determination of Staff Complaint Form, Staff Complaint Chonological Tracking Work Sheet, Inmate/Parolee Appeal Form #07-03385, Rights and Responsibility Statement

#### FINDINGS FOR AN APPEAL INQUIRY:

Your appeal is PARTIALLY GRANTED at the oxedown First level oxedown Second level, as an inquiry into your allegation has been conducted OR as an investigation is being conducted by the Office of Internal Affairs (Insert either appropriate clause, as it applies to the determination of the issue above. Delete the text that does not apply). ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE. As such, results of any inquiry/investigation will not be shared with staff, members of the public, or inmates. Although you have the right to submit a staff complaint, a request for administrative action regarding staff or the placement of documentation in a staff member's personnel file is beyond the scope of the staff complaint process.

Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process. If you wish to appeal the decision, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Director's Level of Once a decision has been rendered at the Director's Level of Review, your administrative remedies will be considered exhausted.

Please print and sign below:

Warden/CDW/HCM (Second Level)

OCT 1 2 RECT

DATE . OCT. 1,2007

TO : APPEACS COORDINATOR

PROM: G. PINEDA, K-07529 2 H GG-L

PLEASE NOTE THAT I WAS IN CARSON SECTION (AD-SEE) WHEN I FILED MY GOZ3. WHEN MY OTHER COMPLAINT AND OUT-GOING MAIL STANDED DISAPPEARING, I WANTED TO MAKE COPIES OF EVERYTHING IM FILING, BUT MY ALL MY REQUEST TO GO TO THE LAW LIBRARY WAS IGNORED. I WAS NOT GIVEN A CHANCE TO GO TO THE LAW LIBRARY TO MAKE COPIES. I HAD TO GIVE IN AND GO TO H-UNIT SO I CAN MAKE COPIES OF MY LETAL WARKS AND DURSUE MY COMPLAINTS. I HAVE ALL ORIGINAL DOCUMENTS AND I DO NOT WISH TO LOOSE THEM. I HAD TO HAM ON TO THEM POR FOAR OF LOSING THEM. I WAS ALSO LOCKED UP IN AC (ADJUSTMENT CENTER) FOR REFUSING TO GO TO H-UNIT, WHILE OTHER INMATES WHO REFUSED TO GO TO H-UNIT ARE ALREADY BACK IN NORTH BLOCK.

G-/PINEDA, K-07529 24-66-L

OCT- 1,2007

ATTACHED: HOSPITAL REPORT,
OTHER DOCUMENTS RELEVANT TO COMPLAINT.

#### INMATE APPEAL ASSIGNMENT NOTICE

To: INMATE PINEDA, K07529

Current Housing: 5C10

From: INMATE APPEALS OFFICE

Re: APPEAL LOG NUMBER: CSQ-2-07-03385

ASSIGNED STAFF REVIEWER: AW 5 APPEAL ISSUE: STAFF COMPLAINTS

DUE DATE: 09/21/2007

Inmate PINEDA, this acts as a notice to you that your appeal has been sent to the above staff for FIRST level response. If you have any questions, contact the above staff member. If dissatisfied, you have 15 days from the receipt of the response to forward your appeal for SECOND level review.

R.Chandler-Dacanay or R. Brau Appeals Coordinator San Quentin State Prison

RCUD. 8/23/07

Date: August 22, 2007

Marin General Hospital Greenbrae, CA 94904 (415) 925-7000

SERVICE DATE:

07/20/2007

CHIEF COMPLAINT: Chest pain and syncope.

HISTORY OF PRESENT ILLNESS: The patient had an altercation with the guards, which he states involved some pushing and shoving and a lot of emotional name-calling. With this, he developed chest pain, which he describes as a poking in the middle of his chest, slightly to the left of his mid sternum. It did not cause any radiation. It was worse when he was very upset. It lasted for at least ten minutes. Associated with this, he felt lightheaded and dizzy. He rated the chest pain as 6/10. He felt like air was not entering his lungs as well. He states that then he was placed in a holding cell standing up, and then he found himself on the floor on his knees with his face looking at the floor, yet he denies any pain on his knees or anywhere on his face or anywhere else, and there was nobody in there to catch him. He nevertheless claims that he had a loss of consciousness, and he states that his chest pain resolved with receiving one sublingual nitroglycerin in the infirmary after a while. He also now complains of left hand numbness and left forearm numbness in a stocking distribution, but no pain or weakness. He thinks his left arm was shaking a bit on its own earlier, and also now the right side of his neck is hurting as well as halfway down his back, and he still feels a little short of breath despite normal oxygen saturation and a regular respiratory rate.

He states that he has previously been told he had a myocardial infarction. In 2000, he was observed by a doctor for three hours and then sent back to his cell. His presenting complaint at that time was shortness of breath. Since that time, he has been told he needs to take heart medications, which do include atenolol and Lipitor. He had a treadmill nuclear stress test 5-6 months ago per his report in a building that is described to be near a lake and right around here where he could see Marin General Hospital from the window. In fact, in our office in 2005 in November, he had a nuclear stress test. He was able to walk for 9 1/2 minutes, and the EKG and the nuclear portion was normal. The patient states that he has had this same chest pain for about 1-2 times per week since 2000. One nitroglycerin usually resolves the pain within 30 seconds that of his feeling the nitroglycerin kicking him.

SOCIAL HISTORY: He smoked one and a half packs per day for 45 years, ending last summer when San Quentin stopped allowing smoking. He has been in prison since 1994. Prior to 1994, he used to sit around and drink alcohol all day. He also used IV heroin, crank, marijuana and acid. He is divorced.

FAMILY HISTORY: Positive for diabetes and cardiac arrest and his mother had a stroke.

CONSULTATIONS

Patient Name: CDCK07529PINEDA,

GERARDO

MARGARET L. BAER, MD

MR#: 02-19-36-31 Account #: 00905436986

D/C: 07/20/2007

Marin General Hospital Greenbrae, CA 94904 (415) 925-7000

ALLERGIES: No known drug allergies.

MEDICATIONS: Advair 250/50 one puff 2 times a day, atenolol 25 mg p.o. daily, Tylenol with codeine #4 two tablets b.i.d., Lipitor 20 mg p.o. daily, multivitamin one a day and albuterol inhaler 2 puffs four times a day.

Other medical problems include, he states, "the lung disease that at all smokers get" and history of ulcers.

PAST SURGICAL HISTORY: Cervical spine surgery of C4, C5-6 in March of 2007. Preoperatively, he had pain in his cervical spine as well as left arm numbness and pain of the entire left arm more than he has now. He also, in 1974, had removal of 35% of his large intestine because of bleeding that he describes as ulcer bleeding. He had a cyst removal from his head.

#### PHYSICAL EXAMINATION:

GENERAL: He is in no acute distress despite complaining of pain.

VITAL SIGNS: His blood pressure 130/76, heart rate is 46, respirations are 14, oxygen saturation 98% on 2 liters and 98% on room air. He is 5 foot 8 and weighs 140 pounds. HEENT: Atraumatic, normocephalic. Mucous membranes moist. No evidence of biting of his tongue. Pupils equal, reactive.

NECK: He complains of tenderness of the right cervical spine.

LUNGS: Clear with good air movement.

CARDIAC: Regular rhythm. No murmurs, rubs, extra sounds.

ABDOMEN: Soft, nontender, no hepatosplenomegaly, bruits or pulsatile masses. He does tense up on examining his abdomen and then complains that it might be tender. EXTREMITIES: No clubbing, cyanosis or edema. Normal symmetric pedal pulses bilaterally. Normal strength in his left hand despite him complaining, saying that it is subjectively numb.

ELECTROCARDIOGRAM: Normal sinus rhythm and absolutely within normal limits.

LABORATORY DATA: CPK total is 101, MB 0.5. Chem-12 panel is normal with a creatinine of 0.9. Troponin I less than 0.04, myoglobin 25. White count 7, hematocrit 35.8, and platelets 294,000.

# IMPRESSION:

1. Chest pain. His chest pain is very atypical for coronary artery disease in that it is pinpoint. In addition, he has a normal EKG, normal cardiac enzymes and a previous normal stress test. I do not think he needs further stress testing based on this particular incident of chest pain.

CONSULTATIONS

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Patient Name: CDCK07529PINEDA,

GERARDO

MARGARET L. BAER, MD

MR#: 02-19-36-31

-2-

Account #: 00905436986

Marin General Hospital Greenbrae, CA 94904 (415) 925-7000

- 2. Reported history of syncope. I do not think his history of syncope is reliable, given that he has absolutely no trauma anywhere, even though he supposedly landed in a cell where there was nothing to break his fall.
- 3. Shortness of breath. He does have probable emphysema, and this may contribute to his shortness of breath, but his oxygen level is good and his lungs are fine.
- 4. Left arm numbness. Further workup per Dr. Zecherle.
- 5. Cervical spine pain. Further workup per Dr. Zecherle.

From my point of view, he has no indication for further cardiac testing or treatment at this time. In addition, we may consider switching him from atendol to a different blood pressure medication, as there is no obvious history of true myocardial infarction and he is rather bradycardic, and in fact may not even need a blood pressure medication at all. Atendol may be also contributing to his shortness of breath from his lung problems

Pending Electronic Signature by MARGARET L. BAER, MD

D: 07/20/2007 16:47:52 T: 07/20/2007 20:44:01 Job #: 7543375/uf Cnf #: 295352

CC:

JOHN ZECHERLE MD

Neumiller Infirmary SAN QUENTIN

CONSULTATIONS

MARGARET L. BAER, MD

-3-

Patient Name: CDCK07529PINEDA,

GERARDO

MR#: 02-19-36-31

Account #: 00905436986

# MONDAYCa362308-2v-63326-RMW

STÄTE ØF CALIFORNIA

CORRECTIONAL ADMINISTRATOR'S PRINTED NAME

Document 1

Filed 07/09/2008

Page 28 of 45

DEPARTMENT OF CORRECTIONS

DATE OF REVIEW

ADMINISTRATIVE SEGREGATION UNIT PLACEMENT NOTICE CDC 114-D (Rev 9/98) DISTRIBUTION WHITE CENTRAL FILE CANARY WARDEN
PINK HEALTH CARE MGR
GOLDENROD INMATE (1ST COPY) INMATE (2ND COPY) GREEN ASU INMATE'S NAME CDC NUMBER PINEDA K-07529 REASON(S) FOR PLACEMENT (PARTA) PRESENTS AN IMMEDIATE THREAT TO THE SAFETY OF SELF OR OTHERS JEOPARDIZES INTEGRITY OF AN INVESTIGATION OF ALLEGED SERIOUS MISCONDUCT OR CRIMINAL ACTIVITY **ENDANGERS INSTITUTION SECURITY** UPON RELEASE FROM SEGREGATION, NO BED AVAILABLE IN GENERAL POPULATION DESCRIPTION OF CIRCUMSTANCES WHICH SUPPORT THE REASON(S) FOR PLACEMENT On Friday, July 20, 2007, during the course of an escort from Donner Section to H-Unit you stopped just prior to reaching the Donner Section door and stated "you'll have to kick my ass to get me through that door." Your explanation for not wanting to move to H-Unit is that you are "afraid of other inmates" and require protective custody status. When asked to provide specific names of enemies in Hunit you could not since per your own admission no one person poses a threat to your safety. Your obstruction in refusing to move during an escort and your challenge to custody staff that they would have to "kick your ass" to get you through the Donner Section door is a clear case of obstruction. Additionally your statement indicated a veiled threat of battery to custody staff and created a situation where the use of force could have easily occurred. Based on your conduct you are being placed in Administrative Segregation. Your Ad-Seg placement will be reviewed by an Institution Classification Committee where appropriate program and housing needs will be addressed. CONTINUED ON ATTACHED PAGE (CHECK IF ADDITIONAL) IF CONFIDENTIAL INFORMATION USED, DATE OF DISCLOSURE ASU PLACEMENT SEGREGATION AUTHORITY'S PRINTED NAME SIGNATURE G. M. Fuller Lieutenant SIGNATURE STAFFS TITLE CDC NUMBER IMATE REFUSED TO SIGN ADMINISTRATIVE REVIEW (PART B) The following to be completed during the initial administrative review by Captain or higher by the first working day following placement STAFF ASSISTANT (SA) INVESTIGATIVE EMPLOYEE STAFF ASSISTANT NAME IS THIS INMATE: ☐ YEs LITERATE! EVIDENCE COLLECTION BY IE UNNECESSARY ☐ yæ≲ NO NO DECLINED ANY INVESTIGATIVE EMPLOYEE ☐ YES FLUENT IN ENGLISH? พก ASU PLACEMENT IS FOR DISCIPLINARY REASONS YES NO YES ABLE TO COMPREHEND ISSUES? DECLINED IST INVESTIGATIVE EMPLOYEE ASSIGNED ☐ Ýnds FREE OF MENTAL HEALTH SERVICES DELIVERY SYSTEM NEEDS? l NO DECLINING FIRST STAFF ASSISTANT ASSIGNED? YES Any "NO" requires SA assignment NOT ASSIGNED NOT ASSIGNED INMATE WAIVERS INMATE WAIVES RIGHT TO 72 HOURS PREPARATION TIME WAIVES OR DECLINES INTERVIEW WITH ADMINISTRATIVE REVIEWER INMATE SIGNATURE 4551 NO WITNESSES REQUESTED BY INMATE WITNESSES REQUESTED FOR HEARING WITNESS' NAME WITNESS' NAME TITLE/CDC NUMBER TITLE/CDC L/MBER WITNESS' NAME TITLE/CDC NUMBER WITNESS'NAM TITLE/CDC NUMBER ☐ SINGLE CELL PENDING ICC DECISION: REASON FOR DECISION ADMINISTRATIVE REVIEWER'S PRINTED NAME ADMINISTB/ SIGNATURE

Filed 07/09/2008

Page 29 of 45

STATE OF CALIFORNIA ADMINISTRATIVE SEGREGATION UNIT PLACEMENT NOTICE

DEPARTMENT OF CORRECTIONS

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DESCRIPTION OF CIRCUMSTANCES WHICH SUPP On Friday, July 20, 2007, during the Section door and stated "you'll have that you are "afraid of other inmate unit you could not since per your of during an escort and your challeng door is a clear case of obstruction, situation where the use of force co Segregation. Your Ad-Sey placements	ne course of an escort from the to kick my ass to get m the and require protective the admission no one per the to custody staff that the Additionally your statement all have easily occurred.	m Donner e through custody s son poses ey would h ent indical	that door status. Wh s a threat nave to "ki ted a veile n vour con	:" Your ex en asked to your sa ck your a ed threat conduct you	oplanation for not to provide speci afety. Your obstruss" to get you thr of battery to custon age being placed	wanting to fic names ouction in ref rough the Dody staff and d in Adminis	move to Horizonte to move to move to move to move the move to move the move to move the	I-Unit is in H- ove tion a
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STATE OF CALASTINIA 8-CV-03326-RMW Document 1
ADMINISTRATIVE SEGREGATION UNIT PLACEMENT NOTICE
CDC 114-D (Rev 10/98)

cahojla - Lee

Filed 07/09/2008

Page 30 of 45 DEPARTMENT OF CORRECTIONS

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CANARY - WARDEN PINK - HEALTH CARE MGR GOLDENROD - INMATE (1ST COPY)

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STATE OF CAMPERNIA STATE OF CAMP

Document 1 Filed 27/09/2008

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DISTRIBUTION: WHITE - CENTRAL FILE BLUE - INMATE (2ND COPY) GREEN - ASU

CANARY - WARDEN PINK - HEALTH CARE MGR GOLDENROD - INMATE (1ST COPY)

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Filed 07/09/2008

Page

DEPARTMENT OF CORRECTIONS

STATE OF CALIFORNIA

RULES VIOLATIO	N REPORT
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RULES VIOLA	TION REPORT				LOGIE	407-5-D	-07-0G
сос <b>Number</b> K-07529	INMATE'S NAME	DA.	RELEASE/BOARD D	ATE	CSP-S.O.	HOUSING NO.	LOG NO.
VIOLATED RULE NOISI. CCR \$3005(a)		OBSTRUCTION OF A P/	'O	LOCAT	ION	07-20-07	1130

On Friday July 20, 2007, at approximately 1130 bours, I informed Inmate PIMEDA K-07529 that I would be escorting him to H-Unit, a General Population Level II dorm housing unit, from a holding cell in Donner Section. PINEDA stated that he could not go to H-Unit because he was afriad of the other inmates in H-Unit. I then told PINEDA that he had been released to H-Unit and I was issuing a lawful order for him to accompany me. PINEDA again replied he was not going to H-Unit. At that time I opened the door to the holding cell and took hold of the right sleeve of PINEDA's jumpsuit. I then issued orders to PINEDA to "come on". PINEDA walked out of the holding cell and walked under my escort towards Donner Section door. Approximately 10 feet from the door PINEDA abruptly stopped and stated "you'll have to kick my ass to get me through that door." I stopped and issued an order to PINEDA to keep moving. PINEDA repeated "you'll have to kick my ass to get me through that door." At that time I ordered Sergeant D. McGraw to place PINEDA back in handcuffs.

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HEARING								

SEE CDCR 115 PART "C" HEARING CONTINUATION

REFERRED TO CLASSIFICATION BPT/NAEA					
ACTION BY: (TYPED NAME)		SIGNATURE		DATE	TIME
LT. J. ARNOLD		· And MA	Kull	8/3/07	11/18
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STATE OF CALIFORNIA RULES VIOLATION	REPORT - PART C	LoGett	07-5-D-0-06	ENT OF CORRECTIONS PAGEOF
CDC NUMBER K-07529	INMATE'S NAME PINEDA	LOG NUMBER	INSTITUTION CSP-S.Q.	TODAY'S DATE 07-07-07
SUPPLEMENTAL	CONTINUATION OF:	115 CIRCUMSTANCES HEARING	IE REPORT OTH	ER

# CONTINUATION OF CDC-115 REPORT

I informed PINEDA that his actions constituted obstruction of a Peace Officer and that he would be retained in Ad-Seg based on his claim of local enemies and request for protective custody status in Administrative Segregation. PINEDA's assignment to H-Unit was appropriate and conducted within Department classification guidelines. PINEDA's refusal to comply with orders to continue the escort to H-Unit, obstructed my ability to complete a basic Correctional Peace Officer duty. Also, PINEDA's statement that I would have to "kick (his) my ass to get him as a Peace Officer during the escort. A physical challenge to me and my authority avenue to the use of force and in the case of a less experienced or more aggressive staff member could easily have led to violence.

Inmate PINEDA is aware of this report.

Inmate PINEDA is / is not a participant in the Mental Health Delivery System.

	SIGNATURE OF WRITER		DATE SIGNED
	G. Fuller, Correctional In	entenat	<b>07-20-07</b>
	GIVILIABY: (Staff's Signature)	DATE SIGNED	TIME SIGNED
COPY OF CDC 115-C GIVEN TO INMATE	april	128-2)	200

# Case 5:08-cv-03326-RMW

Document 1

#### Filed 07/09/2008

Page 34 of 45

STATE OF CALIFORNIA RULES VIOLATION REPORT - PART C

# DEPARTMENT OF CORRECTIONS

PAGE 1 OF 2

CDC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION CSP-S.Q.	TODAY'S DATE
K-07529	PINEDA	07-5-D-07-06		8/3/07

☐ SUPPLEMENTAL ☐ CONTINUATION OF: ☐ CDC 115 CIRCUMSTANCES ☐ HEARING ☐ I.E.REPORT ☐ OTHER

Hearing: The hearing was convened on 08/03/2007, at approximately 1118 when I introduced myself to PINEDA K07529 as the Hearing Officer for this disciplinary. PINEDA K07529 stated he was in good health with normal vision and hearing. PINEDA K07529 acknowledged that he received a copy of the following document more than 24 hours in advance of the hearing: CDC-115. This report as well as the disciplinary charge of OBSTRUCTION OF A P/O was reviewed with PINEDA K07529 in the hearing. He stated that he understood both and that he was prepared to begin the hearing.

District Attorney: This has not been referred for criminal prosecution.

**Due Process**: The disciplinary was served on the inmate within 15 days of discovery and the hearing was held within 30 days of service. The inmate received his copies of all documents more than 24 hours in advance of the hearing. There are no due process issues.

Staff Assistant: Per CCR-3315(d)(2) a Staff Assistant was not assigned as PINEDA K07529 agrees that he speaks English, is literate (that is, reads at 4.0 or above), the issues are not complex and a confidential relationship is not required. In the hearing, PINEDA K07529 confirmed that assignment of a Staff Assistant was not necessary.

**Investigative Employee**: Investigative Employee was assigned. IE was reviewed in hearing. PINEDA K07529 acknowledges receiving and reviewing the completed IE report more than 24 hours in advance of the hearing. In the hearing, PINEDA K07529 stated that he is satisfied with the completed report.

MHDS: Inmate PINEDA K07529 is not a participant in the Departments Mental Health Delivery System.

**Effective Communication**: PINEDA K07529 was able to fully understand the SHO throughout the proceedings. PINEDA K07529 read the Rules Violation Report RVR# 07-5-D-07-06 to the SHO. The inmate did not indicate he had any misunderstandings. PINEDA K07529 stated he understood the proceedings and was prepared to proceed with the hearing.

Request for Witnesses: PINEDA K07529 requested Correctional Sergeant McGraw and Correctional Officer K. Allen as a witness to give the following anticipated testimony: Inmate Pineda stated they would say that Lieutenant Fuller was mean to Inmate Pineda, and that he didn't say what is written in the report. Per CCR 3315 (e)(1)(B), a witness request will be denied if the SHO determines the anticipated testimony from the requested witness is either not relevant or adds no additional information. Request denied as it is my conclusion this anticipated testimony is not relevant to the issues of this hearing.

Video and photo evidence: Videotape evidence was not an issue for this hearing.

Plea: Not Guilty

Hearing testimony: PINEDA K07529 gave the following testimony as his defense: "From July 18 I told UCC I'm not going to H-Unit do to my safety and security (per Inmate Pineda) a 65 year old Filipino who was housed in H-unit was jumped by four younger Filipino's because he refused to join their group and I'm not going to join their group so I'll get jumped too. Send me to another Institution or keep me in the hole. They sent one inmate who refused to go to H-Unit back to North Block send me there. I'm do not qualify to go to H-Unit I don't get out until 2010."

Finding: Guilty of the Div. D offense OBSTRUCTION OF A PEACE OFFICER. This offense requires evidence that the defendant took a deliberate action that qualifies as resisting, delaying or obstructing a staff member, this action affected the ability of the staff member to perform his or her assigned duties and this staff member was a peace officer. As a

SIGNATURE OF WRITER			TITLE		DATEN	OTICE SIGNED	
J. ARNOLD 7.	lr		Correctional Lieutenant	t	8/3/07		
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# Case 5:08-cv-03326-RMW

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# Filed 07/09/2008

Page 35 of 45

STATE OF CALIFORNIA RULES VIOLATION REPORT - PART C

# DEPARTMENT OF CORRECTIONS

PAGE 2 OF 2

CDC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
K-07529	PINEDA	07-5-D-07-06	CSP-S.Q.	8/3/07

☐ SUPPLEMENTAL	☑ CONTINUATION OF:	☐ CDC 115 CIRCUMSTANCES	☑ HEARING	□ I.E .REPORT	□OTHER

matter of institutional policy, this finding is limited to those circumstances where either additional staff intervention is required or this disruption results in a significant delay to the program. This finding is based upon the following preponderance of evidence:

A. The testimony of Correctional Lieutenant G. Fuller in the disciplinary report of RVR# 07-5-D-07-06 which states "I informed Inmate PINEDA K07529 that I would be escorting him to H-Unit, a general Population Level II dorm housing unit, from a holding cell in Donner Section. PINEDA stated that he could not go to H-Unit because he was afraid of the other inmates in H-Unit. I then told PINEDA that he had been released to H-Unit and I was issuing a lawful order for him to accompany me. PINEDA again replied he was not going to H-Unit. At that time I open the door to the holding cell and took hold of the right sleeve of PINEDA"s jumpsuit. I then issued orders to PINEDA to "come on". PINEDA walked out of the holding cell and walked under my escort toward Donner Section door. Approximately 10 feet from the door PINEDA abruptly stopped and stated "you'll have to kick my ass to get me through that door." I stopped and issued an order to PINEDA to keep moving. PINEDA repeated "you'll have to kick my ass to get me through that door." At that time I ordered Sergeant D.McGraw to place PINEDA back in handcuffs."

B. The testimony of Inmate PINEDA K07529 in RVR# 07-5-D-07-06;" From July 18 I told UCC I'm not going to H-Unit "

Disposition: Assessed 90 day credit forfeiture for this Div. D offense. PINEDA K07529 was informed that his credit restoration period began 07/28/2007 and this restoration period is a minimum of six months (if within 90 days of scheduled release, the minimum is reduced to 60 days). If he is found guilty of any administrative or serious CDC-115 issued during this credit restoration period, he forfeits his eligibility for restoration. If he completes this restoration period disciplinary free, he may request a classification review. Classification will make the final determination whether he is eligible for restoration or request an additional period of disciplinary free conduct. Appeal rights were explained. PINEDA K07529 was referred to CCR §3084.1 and following for additional information on appeal procedures.

Additional penalties: PINEDA K07529 is referred to BPT

SIGNATURE OF WRITER		TITLE	<del>_</del>	DATEN	OTICE SIGNED
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COPY OF CDC-115-C GIVEN TO INMATE	GIVEN BY: (STA)	FF'S SIGNATURE)	DATE SIG	GNED:	TIME SIGNED:

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STATE OF CALIFORNIA

MEDICAL REPORT OF INJURY

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DEPARTMENT	OF CORRECTIONS AND REHABILITATION

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	INMATE'S NAME			RULE NO(S).	DATE	INSTITUTION	LOG NO.	
K-07529	PINEDA		<u>§</u> 30	05(a)	07-20-07	CSP-S.Q.		
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Page 39 of 45

DEPARTMENT OF CORRECTIONS PAGE OF 2

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RULES VIOLATION REPORT - PART	C

STATE OF CALIFORNIA

CDC NUMBER	INMATE'S NAME		INSTITUTION		TODAY'S DATE
K-07529	PINEDA	03-07-NB-07-013	CSP-SC	2	08/11/07
SUPPLEMENTAL	CONTINUATION OF: 115 CIRCUMS	TANCES TO HEARING	IE REPORT	OTHER	<u> </u>

On Saturday, August 11, 2007, inmate Fineda, K-07529, appeared before Senior Hearing Officer, C.P. Young, Correctional Lieutenant for adjudication of a Division "F" rule violation report. Inmate Pineda stated that he was in good health, and acknowledged receipt of all reports to be used as evidence, and that he was ready to proceed with the hearing.

The purpose of the hearing was explained to Inmate Pinedz and he stated that he understood. Inmate Pineda stated that he received a copy of all reports to be used in evidence more than 24 hours prior to the hearing. The following documentation was reviewed by the SHO: CDC-115 Log #03-07-NB-07-013.

This Rules Violation Report was served to the inmate within 15 days of discovery and the hearing was held within 30 days of service. All time constraints have been met.

Inmate Pineda not is a participant in the Mental Health Delivery System.

A Staff Assistant was not assigned to the hearing per CCR Title 15, \$3315(d)(2).

An Investigative Employee was deemed to be necessary per CCR Title 15, \$2315(d)(1). Correctional Officer J. Holland was assigned as the I.E., and this SHO reviewed the submitted report by Officer Holland.

Inmate Pineda did not request any witnesses to be present at the hearing.

PLEA: The charges were read aloud to Inmate Pineda. He acknowledge that he understood the charges, and pleaded "GUILTY" and made the following statement:

I refused to move, but Thope they give me some consideration based upon a previous indicent that occured with an elderly Filipino who was jumped by four others in H-Unit for not cooperating with these individuals.

SEE CONTINUATION HEARING PART "C"

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SIGNATURE OF WRITER C.P. Young, Correctional L	leutenant)	DATE/SIGNED
 GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME'SIGNED

Page 40 of 45

DEPARTMENT OF CORRECTIONS PAGE<sup>2</sup> OF <sup>2</sup>

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CDC NUMBER	INMATE'S NAME	LOG NU	MBER	INSTITUTION		TODAY'S DATE
K-07529	PINEDA	03-07	-NB-07-013	CSP-	SQ	08/11/07
SUPPLEMENTAL	CONTINUATION OF:	115 CIRCUMSTANCES	HEARING	IE REPORT	OTHE	R

FINDINGS: Inmate Pineda has been found "GUILTY" of the Division "F" offense, and for the specific act of "DISOBLYING A DIRECT ORDER." The preponderance of the evidence relied upon to render a finding of "GUILTY" included:

1. The information contained in the CDCR Rules Violation Report authored by Correctional Sergeant K. Dennis, dated 07/18/07, documents the following:

On Wednesday, July 18, at approximately 1130 hours, you Inmate Pineda, K-07529, 1-N-87. were told by Custody Staff that you had a mandatory bed move to H-Unit that was ordered by Correctional Counselor, (CC-I) L. Andersen to facilitate intake adjustments in North Block. However, you told Correctional Sergeant K. R. Dennis that you were not going to move to H-Unit. Sergeant K. Dennis, then gave you a direct order to pack your property and move to H-Unit, again inmate Pineda stated he was not going to move to H-Unit, Therefore, Pineda was placed in Ad/Seg for refusing a Mandated Bed Move to H-Unit.

2. Inmate Pineda's admission of guilt where he stated: "I refused to move, but Ihope they give me some consideration based upon a previous indicent that occurred with an elderly Filipino who was jumped by four others in H-Unit for not cooperating with these individuals."

# DISPOSITION: GUILTY.

Inmate Pineda is assessed 15 Days loss of Behavior Credit for a Division "F" ASSESSED: Offense.

Inmate Pineda was advised that the disposition of the Rules Violation Report would not become final until approved by the Chief Disciplinary Officer, at which time he will receive a final copy of the completed CDC-115.

Inmate Pineda was also advised of his right to appeal the findings of this hearing, and the methods of appealing, and credit restoration procedures in accordance with CCR 3327 and 3328. governing restoration of forfeited credits.

	( No aum	
	SIGNATURE OF WRITER C.P. Young, Correctional Lieutenant	DATE SIGNED
COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)  DATE SIGNED  872-07	TIME SIGNED

STATE OF CALIFORNIA

RIJI ES VIOLATION REPORT - PART (	
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DEPARTMENT OF CORRECTIONS

RULES VIOLATION	REPORT - PART C					PAGEOF		
CDC NUMBER K-07529	INMATE'S NAME PINFDA	07-	JMBER -5-D-07-06	INSTITUTION  CSP-S.C		TODAY'S DATE 08-01-07		
SUPPLEMENTAL	CONTINUATION OF:	115 CIRCUMSTANCES	HEARING	ie report	OTHE	R	_	

#### (CONTINUATION OF CDC-115 I. E. REPORT)

On Wednesday, August 01, 2007, at approximately 0930 hours, I contacted and interviewed Inmate PINEDA K-07529. I informed the subject, "I HAVE BEEN ASSIGNED AS YOUR INVESTIGATIVE EMPLOYEE, DO YOU HAVE ANY OBJECTIONS TO MY ASSIGNMENT?"

Subject stated, "No."

Inmate PINEDA already received a copy of the Disciplinary Report (CDC-115).

I asked Inmate PINEDA, "DO YOU UNDERSTAND THE CHARGE(S) AGAINST YOU?"

Inmate PINEDA stated, "Yes."

I asked Inmate PINEDA, "WOULD YOU LIKE TO MAKE A STATEMENT IN REGARDS TO THE CHARGE(S)?"

Inmate PINEDA stated, "Yes, I did not say the things that are written in the RVR. Lieutenant Fuller is just lying. What I said was that I was not going to H-Unit go ahead and write me up or transfer me. Lieutenant Fuller said to me that I was going to H-Unit even if he had to kick my ass to get me there. He even had me taken into his office were he called me a coward and rapist. He also said that I must have enemy in H-Unit that's why I did not want to go there. On one occasion while I was still in handcuffs Lieutenant Fuller grabbed me by my left arm and Sergeant McGraw had my right arm and they were trying to force escort me to H-Unit. Lieutenant Fuller constant harassment cause me to have a heart attack."

I advised Inmate PINEDA, that "YOU HAVE THE RIGHT TO HAVE WITNESSES INTERVIEWED."

I asked Inmate PINEDA "DO YOU HAVE ANY WITNESSES TO BE INTERVIEWED?"

Inmate PINEDA stated, "No, but I would like Sergeant McGraw and C/O Allen at my RVR hearing."

STATEMENT OF CORRECTIONAL OFFICER W. DEED III, (INVESTIGATIVE EMPLOYEE): All apropriate staff, and inmates were contacted regarding this matter. All available information has been obtained, and incorporated in this report. END OF STATEMENT

	SIGNATURE OF WRITER W. Deed III, Correctional Of	ficer	DATE SIGNED
COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	S-Z-CZ	//ca

C NUMBER	INMATE'S NAME		RT VIOLATED RULE	NO(S).	DATE	INSTITUTIO	N	LOG NO.	
K-07529	PINEDA			§3005(b)		CS	P-S.Q.		
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		POS	TPONEMENT	OF DISCIPLINAF	Y HEARING			DATE	
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I REQUEST my he	aring be postponed pend	ding outcome	INMA	TE'S SIGNATURE				DATE	
E NOTICE OF OUTCOM		DISPOSITION			<u> </u>				
			INMA	ATE'S SIGNATURE				DATE	
I REVOKE my requ	uest for postponement.		<b>•</b>						
				FF ASSISTANT				DATE	
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ASSIGNED	DATE	10 11112 21 21							
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DATE: JULY 3, 2008

TO: CLERK OF COURT

FR: GERARDO PINEDA, K-07529

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PLEASE MAIL HE COPY OF CONPLAINT WITH

THANK YOU

GOVERNO PLNEDA, K-07529

Case 5:08-cv-03326-RMW

Document 1

Filed 07/09/2008

Page 44 of 45

LEGAL

SAN QUENTIN, 34-33-L

QUENTIN, CA-94974

OFFICE OF THE CLERK, US DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA 450 GOLDEN GATE AVE.

SAN FRANCISCO, CA - 94102

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